

REMARKS/ARGUMENTS

Claims 1-57 and 59-62 were rejected under 35 U.S.C. § 103. Applicant submits herewith a § 131 Declaration. In light of the Declaration, reconsideration and allowance of the application are respectfully requested.

Declaration Under 37 C.F.R. § 1.131

Applicant submits with this response a 37 C.F.R. § 1.131 declaration and evidence (46 pages of reproduction of notebook entries), swearing back of the following references in accordance with 37 C.F.R. § 1.131 and MPEP § 715, as described further herein:

U.S. Patent No. 6,473,740 to Cockrill et al.;
U.S. Patent No. 6,055,505 to Elston;
U.S. Patent No. 6,330,550 to Brisebois et al.;
U.S. Patent No. 6,330,672 to Shur;
U.S. Patent No. 6,442,526 to Vance et al.; and
U.S. Patent No. 6,390,362 to Martin.

The declaration is seasonably presented in accordance with MPEP § 715.09(D) and effectively antedates these references in accordance with MPEP § 715 by demonstrating conception of the present invention at least as early as October 4, 1997, prior to the effective date of these references, coupled with due diligence to the filing date of the provisional application hereof, U.S. Application No. 60/166,837, filed November 22, 1999 (*see* attached reproduction of inventor's notebook entries with inventor entries reducing the present invention to practice on at least October 4, 1997, November 20, 1997, November 28, 1997, December 5, 1997, January 17, 1998, March 6, 1998, March 20, 1998, April 14, 1998, May 21, 1998, May 24, 1998, June 25, 1998, July 19, 1998, September 3, 1998, September 12, 1998, November 26, 1998, December 9, 1998, January 14, 1999, February 6, 1999, March 22, 1999, May 26, 1999, July 7, 1999, August 1, 1999, August 3, 1999, October 2, 1999, and October 30, 1999).

Accordingly, the 35 U.S.C. § 103 rejections are now moot, as described in more detail below.

Rejections under 35 U.S.C. §103

Claims 1-10, 12-14, 16, 18, 20-27, 29-31, 33, 56, and 59-61 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,529,725 to Joao et al. in view of U.S. Patent No. 6,473,740 to Cockrill et al. The 37 C.F.R. § 1.131 declaration effectively antedates the Cockrill reference, which has a filing date of November 29, 1998. Accordingly, this rejection is now moot.

Claims 11, 17, 28, 36, 37, 39, and 40 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,529,725 to Joao et al. in view of U.S. Patent No. 6,055,505 to Elston. The 37 C.F.R. § 1.131 declaration effectively antedates the Elston reference. Elston has a filing date of December 30, 1997, and because it was not published until it issued on April 25, 2000, Elston was a 35 U.S.C. § 102(a) or (e) reference, not a statutory bar under 35 U.S.C. § 102(b). Accordingly, this rejection is now moot.

Claims 15 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of U.S. Patent No. 5,760,771 to Blonder et al. These dependent claims depend from allowable claims 1 and 18, respectively. Accordingly, claims 15 and 32 are also allowable.

Claims 19 and 57 were rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of U.S. Patent No. 6,330,550 to Brisebois et al. The 37 C.F.R. § 1.131 declaration effectively antedates the Brisebois reference, which has a filing date of December 30, 1998. Accordingly, this rejection is now moot.

Claim 34 was rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of U.S. Patent No. 6,330,672 to Shur. The 37 C.F.R. § 1.131 declaration effectively antedates the Shur reference. Shur has an effective date of December 3, 1997¹, and because it was not

¹ The Shur reference was filed on June 30, 1998 and claims priority to a provisional patent application filed on December 3, 1997. Applicants have not studied the provisional application, and therefore this statement should not be construed as an admission by Applicant that the teachings relied upon in the Shur reference are adequately described and enabled in the provisional application. If they are not, Applicant submits that the effective date of the Shur reference is its filing date, June 30, 1998. Regardless of this analysis, Shur is antedated by the 37 C.F.R. § 1.131 declaration.

published until it issued on December 11, 2001, Shur was a 35 U.S.C. § 102(a) or (e) reference, not a statutory bar under 35 U.S.C. § 102(b). Accordingly, this rejection is now moot.

Claims 35, 42-46, and 51-55 were rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of U.S. Patent No. 6,442,526 to Vance et al. The 37 C.F.R. § 1.131 declaration effectively antedates the Vance reference. Vance has a filing date of March 22, 1999, and is a continuation-in-part application of U.S. Application No. 08/951,630, filed on October 19, 1997, which ultimately issued into U.S. Patent No. 7,050,986. However, because the 08/951,630 parent application fails to disclose “preapproving employee corporate credit card usage for selected purchases”, which is the teaching for which the Vance reference (U.S. Patent No. 6,442,526) is relied upon (*see* OA dated 11/17/2006, p. 8), the effective date of the Vance reference (U.S. Patent No. 6,442,526) for purposes of this § 103 rejection is its filing date, March 22, 1999. This effective date is antedated by the 37 C.F.R. § 1.131 declaration.

Claim 38 was rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Elston as applied to claim 36 above, and further in view of Official Notice. The 37 C.F.R. § 1.131 declaration effectively antedates the Elston reference as described above. Accordingly, this rejection is now moot.

Claim 41 was rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Elston and Vance. The 37 C.F.R. § 1.131 declaration effectively antedates the Elston and Vance references as described above. Accordingly, this rejection is now moot.

Claim 47 was rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Vance as applied to claim 42 above, and further in view of Official Notice. The 37 C.F.R. § 1.131 declaration effectively antedates the Vance reference as described above. Accordingly, this rejection is now moot.

Claim 48 was rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Vance as applied to claim 42 above, and further in view of U.S. Patent No. 6,390,362 to Martin. The 37 C.F.R. § 1.131 declaration effectively antedates the Vance reference as described above. Further, the 37 C.F.R. § 1.131 declaration effectively antedates the Martin reference, which has a

filing date of September 14, 1999 and is a continuation-in-part of U.S. Application No. 09/345,202, filed on June 30, 1999. Accordingly, this rejection is now moot.

CONCLUSION

Applicant respectfully submits that this Amendment and Response addresses all of the Examiner's rejections and places the Application in condition for allowance. A Notice of Allowance is respectfully requested. If a teleconference with the Examiner would expedite allowance of this application, the Applicant respectfully requests that the Examiner call the undersigned attorney at the telephone number referenced below. If any fees are necessary, Applicant authorizes the Commissioner is to charge or credit any such fees or overpayment to account number 50-1901 (Reference No. 18822-11).

Respectfully submitted,

By 

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